

## **BILL ANALYSIS**

Senate Research Center  
79R784 EMT-F

S.B. 90  
By: Hinojosa  
Criminal Justice  
4/1/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current state law allows peace officers to make warrantless arrests for assault resulting in bodily injury to a member of the person's family or household. However, peace officers need the authority to make a warrantless arrest under family violence law, even when the victim does not share the offender's household.

As proposed, S.B. 90 gives peace officers the power to make warrantless arrests for acts of family violence, and includes dating violence in the definition of family violence.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Reenacts and amends Article 14.03(a), Code of Criminal Procedure, as amended by Section 2, Chapter 460, Section 2, Chapter 836, Section 1, Chapter 989, and Section 2, Chapter 1164, Acts of the 78th Legislature, Regular Session, 2003, to authorize a peace officer to arrest without a warrant persons who the peace officer has probable cause to believe have committed an offense involving family violence, rather than an assault resulting in bodily injury to a member of the person's family or household. Makes nonsubstantive changes.

SECTION 2. Amends Articles 14.03(c) and (f), Code of Criminal Procedure, as follows:

(c) Requires a peace officer, in certain circumstances, to remain at the scene to verify an allegation of the commission of an offense involving family violence, rather than the commission of an assault against a member of the family or household.

(f) Defines "family violence." Deletes the definitions of "family," "household," and "member of a household." Makes nonsubstantive changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.